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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,241	01/05/2001	Kazumi Saburi	81922.0004	5876

26021 7590 03/27/2003

HOGAN & HARTSON L.L.P.  
500 S. GRAND AVENUE  
SUITE 1900  
LOS ANGELES, CA 90071-2611

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/743,241

Applicant(s)

SABURI ET AL.

Examiner

George Eng

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other:

Art Unit: 2643

## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

1. This Office action is in response to preliminary amendment filed 3/19/2001 (paper no. 3).

Accordingly, claims 1-12 were cancelled and new claims 13-27 are pending in the application.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 2/7/2003 (paper no. 5) has been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2643

4. Claims 13-14, 17-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Tagashira et al. (JP 05-145655A hereinafter Tagashira).

Regarding claim 13, Irube discloses a mobile communication terminal as shown in figure 1 having a telephone function, a data communication function and a visual telephone function (col. 4 lines 33-36) comprising a camera (4) including an image sensor which picks up images (col. 5 lines 64-66), a display unit (14) which displays images (col. 4 lines 16-25), and a control unit (11) which selects one of the operation functions (col. 9 line 46 through col. 10 line 16). Irube differs from the claimed invention in not specifically teaching a data type identify unit for identifying whether the received data is sound data, text data, or image data, based on a data information which was appended in advance as a header to received data, a registering unit for storing a plurality of application programs including at least an application program for executing the visual telephone function and the control unit for selecting one of the application programs in corresponding with the data type information identified by the data type identification unit and activating the selected application program. However, Tagashira teaches a multi-medium terminal equipment to enable information communication between proper media comprising storing means (5) for storing a plurality of application programs including at least an application program for executing multimedia communication, i.e., visual telephone function, comparison analysis circuit (6) for identifying whether the received data is sound data, text data, or image data, based on a data information which was appended in advance as a header to received data, and a control unit (2) for selecting one of the application programs in corresponding with the data type information identified by the data type identification unit and

Art Unit: 2643

activating the selected application program (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Irube in having the data type identify unit, the registering unit and the control unit, as per teaching of Tagashira, because it prevents a rely to an incoming call to undesired media.

Regarding claim 14, Tagashira teaches the terminal equipment for communicating multi-medium (abstract) so that it recognizes the plurality of application program including an application for executing a telephone function and an application program for executing a data communication function.

Regarding claim 17, Irube discloses a mobile communication terminal as shown in figure 1 having a telephone function, a data communication function and a visual telephone function (col. 4 lines 33-36) comprising a body (1), a detachable image unit (4) having an image sensor which is detachable to the body (col. 5 lines 64-66), a display unit (14) which displays images (col. 4 lines 16-25), a video telephone controller unit (25) for enabling the visual telephone function when the detachable imaging unit is attached to the body (col. 5 line 64 through col. 6 line 4) and a control unit (11) which selects one of the operation functions (col. 9 line 46 through col. 10 line 16). Irube differs from the claimed invention in not specifically teaching a data type identify unit for identifying whether the received data is sound data, text data, or image data, based on a data information which was appended in advance as a header to received data, a registering unit for storing a plurality of application programs including at least an application program for executing the visual telephone function and the control unit for selecting one of the application programs in corresponding with the data type information identified by the data type identification unit and activating the selected application program. However, Tagashira teaches a

Art Unit: 2643

multi-medium terminal equipment to enable information communication between proper media comprising storing means (5) for storing a plurality of application programs including at least an application program for executing multimedia communication, i.e., visual telephone function, comparison analysis circuit (6) for identifying whether the received data is sound data, text data, or image data, based on a data information which was appended in advance as a header to received data, and a control unit (2) for selecting one of the application programs in corresponding with the data type information identified by the data type identification unit and activating the selected application program (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Irube in having the data type identify unit, the registering unit and the control unit, as per teaching of Tagashira, because it prevents a rely to an incoming call to undesired media.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 14.

Regarding claim 25, Irube discloses the detachable image unit (4) connected to the body (1) through the camera interface (25) so that the body obviously comprises a card slot section (100) and the detachable image unit obviously comprises a slot connector in order to connect the body with the detachable image unit (col.5 line 64 through col. 6 line 17).

5. Claims 15-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Tagashira et al. (JP 05-145655A hereinafter Tagashira) as applied in claims above, and further in view of Nishino et al. (JP 01-311744A hereinafter Nishino).

Art Unit: 2643

Regarding claims 15-16, the combination of Irube and Tagashira differs from the claimed invention in not specifically teaching to display contents of the data type information prior to line connection after receiving the received data. However, Nishino teaches to attain interconnection between a composite terminal equipment and other terminal equipment comprising a display unit for displaying content of the data type information prior to line connection after receiving a received data in order to notify a called party whether a calling party is a simple terminal equipment or a composite terminal equipment (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Tagashira displaying contents of the data type information prior to line connection after receiving the received data, as per teaching of Nishino, because it enhances the mobile communication terminal so that it is able to notify the called party whether the calling party is a simple terminal equipment or a composite terminal equipment. Although neither Irube, Tagashira nor Nishino does not specifically teaching to audibly output contents of data type information via a sound output unit, it is notoriously old and well known in the art of modifying visual notification to audio notification in order to make user friendly. Therefore, it recognizes to audibly output contents of data type information instead of displaying contents of data type information in order to make user friendly.

Regarding claims 19-20, the limitations of the claims are rejected as the same reasons set forth in claims 15-16.

Art Unit: 2643

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Tagashira et al. (JP 05-145655A hereinafter Tagashira) as applied in claims above, and further in view of Tokano (US PAT. 5,838,577).

Regarding claim 21, the combination of Irube and Tagashira differs from the claimed invention in not specifically teaching an attachment status detecting unit for detecting whether the detachable imaging unit is attached to the body and the control unit visually or audibly informs a message suggesting attachment of the detachable image unit when the attachment status detecting unit has determined that the detachable image unit is not attached to the body. However, Tokano teaches an electrical apparatus for connecting to plural kinds of peripheral devices comprising disconnect status detecting unit (15, figure 5) for detecting whether a peripheral device is attached to the electrical apparatus and notification means for displaying a message indicating that the peripheral device is disconnected when the peripheral device is not attached to the electrical apparatus (col. 5 lines 47-57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Tagashira in having the attachment status detecting unit for detecting whether the detachable imaging unit is attached to the body and the control unit visually or audibly informs a message suggesting attachment of the detachable image unit when the attachment status detecting unit has determined that the detachable image unit is not attached to the body, as per teaching of Tokano, because it makes user friendly so that it notifies the user whether the peripheral device is attached to the electrical apparatus or not.

Art Unit: 2643

7. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Tagashira et al. (JP 05-145655A hereinafter Tagashira) as applied in claims above, and further in view of Rostoker et al. (US PAT. 5,793,416 hereinafter Rostoker).

Regarding claims 26-27, the combination of Irube and Tagashira differs from the claimed invention in not specifically teaching a visual telephone system comprising a base station which sends to the mobile communication terminal data including data type information as a header. However, it is old and notoriously well known in the art of wireless communication system using a base station for establishing communications between mobile communication terminals such that the base station is capable of sending data including a data type information as a header to a mobile communication terminal, for example see Rostoker (abstract and col. 2 line 53 through col. 3 line 43). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Tagashira in having the base station, as per teaching of Rostoker, in order to establish communications between mobile communication terminals.

***Allowable Subject Matter***

8. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2643

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saburi (US PAT. 6,469,731) discloses a portable videophone unit provided with a display and camera for conducting videophone communications by sending and receiving image data and audio data (abstract). Adair et al. (US PAT. 6,452,626) discloses a portable communication device incorporating reduced area image devices (abstract). Ogawa (US PAT. 4,928,300) discloses a videophone to displaying normal image or reflected image based upon the determination of connection between a camera and a videophone unit (figure 5 and col. 4 line 60 through col. 5 line 13). Robb (WO 97/26744) discloses a multifunctional portable telephone comprising an interchangeable camera (abstract).

10. Any response to this action should be mailed to:

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Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

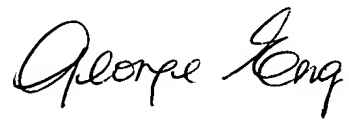
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, V.A., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink that reads "George Eng". The signature is written in a cursive, flowing style.

George Eng

Examiner

Art Unit 2643